

Equality, Diversity and Reasonable Adjustments Policy

1.0 Introduction

1.1 Crosby is committed to advancing equality, diversity and inclusion by:

- 1.1.1 eliminating discrimination, harassment, victimisation and fostering good relations.
- 1.1.2 ensuring equality, diversity and inclusion is holistically embedded into the culture of the business.
- 1.1.3 ensuring strategic planning, direction and policy formulation is informed by equality, diversity and inclusion via Equality Analysis (EA).
- 1.1.4 advancing social cohesion and building community links as part of our corporate social responsibility policy.
- 1.1.5 respecting the dignity of all people who visit, learn and work at Crosby.
- 1.1.6 ensuring conditions encourage learners to participate, progress and achieve in their learning.
- 1.1.7 ensuring conditions encourage staff to participate, progress and achieve in their career
- 1.1.8 actively challenging and resolving unacceptable actions and behaviours such as harassment or bullying.
- 1.1.9 advancing a culture of non-discrimination and respect in order to promote equality and to enable fair treatment of visitors, learners and employees.

2.0 Scope

2.1 This policy sets out the requirements and responsibilities of Crosby for ensuring and advancing equity and fairness. The policy also establishes clear guidance; principles; structures and monitoring arrangements with regards to equality, diversity and inclusion. The content and guidance should be applied to visitors; contractors; learners; employees; and other third parties. Crosby is proud of its diversity and values, and the way in which this enriches the life of the business.

3.0 Legislative Requirements

3.1 This policy statement affirms commitment to the Equality Act 2010 which has strengthened and harmonised current and previous equality legislation. This policy is implemented in the context of the following legislation.

3.2 The commitment to equality, diversity and inclusion is endorsed and led by Senior Management. Crosby is committed to equality of opportunity and will not tolerate unfair discrimination, harassment or victimisation relating to any of the 9 protected characteristics in the Equality Act 2010:

- Age
- Disability
- Gender
- Gender Reassignment
- Marriage & Civil Partnership in employment practices
- Pregnancy & Maternity
- Race – (this includes ethnic or national origins, colour and nationality)
- Religion or Belief
- Sexual Orientation

3.3 The Equality Act (2010) brings together nine separate pieces of legislation into one single Act simplifying the law and strengthening it in important ways to help tackle discrimination and inequality. The Equality Act 2006 remains in force (as amended by the Act) so far as it relates to the constitution and operation of

the Equality and Human Rights Commission. The nine separate pieces of legislation are: Equal Pay Act 1970; Sex Discrimination Act 1975; Race Relations Act 1976; Disability Discrimination Act 1995; Employment Equality (Religion or Belief) Regulations 2003; Employment Equality (Sexual Orientation) Regulations 2003; Employment Equality (Age) Regulations 2006; Equality Act 2006, Part 2; Equality Act (Sexual Orientation) Regulations 2007.

- 3.4 Crosby respects the dignity and diversity of all our learners and employees, regardless of personal characteristics and differences. It is our aim to give everyone the greatest opportunity, even if this means that we employ positive action, to develop and fulfil individuals' potential. We value the contribution each person can make to the business. We believe that treating people fairly is right and makes good business sense.
- 3.5 This means that Crosby will:
- 3.5.1 Not tolerate any form of victimisation, discrimination or harassment on any grounds.
 - 3.5.2 Provide appropriate, sensitive and accessible services to everyone.
 - 3.5.3 Work to eradicate prejudice, discrimination, harassment and negative stereotyping.
 - 3.5.4 Ensure that everybody who is in learning or works at the business is respected and valued.
 - 3.5.5 Make reasonable adjustments for disabled learners, contractors and employees to ensure fair and equal access to services and opportunities.
 - 3.5.6 Promote and support as appropriate the use of a range of flexible working patterns to enable those working for us to balance home and work responsibilities.
 - 3.5.7 Support people in a phased return to work after extended periods of absence.
 - 3.5.8 Treat people fairly, irrespective of their working arrangements and develop employees and learners so that they are able to reach their full potential.
- 3.6 Our aim is to create an environment where people give of their best, allowing them to develop and grow and achieve their full potential. We aim to achieve this commitment by treating all persons equitably, and by removing barriers to advancing a culture of fairness. This policy details our position with regard to all aspects of equality and diversity.

4.0 Definitions

- 4.1 Crosby recognises the below terms to have the following definitions. This understanding of each term informs the way in which Crosby implements the Equality, Diversity and Reasonable Adjustments Policy:
- 4.1.1 **Equality** – A revised term for 'equal opportunities'. It is based on the legal obligation to comply with anti-discrimination legislation. Equality protects people from being discriminated against and gives people fair access to opportunities - i.e. that all learners have the same right of access to services and resources to meet their specific needs. Consequently, to ensure equality of opportunity, some individuals and / or groups may be treated differently in order to meet their different needs.
 - 4.1.2 **Diversity** – The range of visible and non-visible differences that exist between people. Managing diversity harnesses and celebrates these differences to create a productive environment in which everybody feels valued, where talents are fully utilized and in which organizational objectives and targets are met.

- 4.1.3 **Inclusion** – The overarching strand encompassing equality, diversity and human rights that focuses positively on individuals and/or groups who may feel or are, excluded from services for whatever reason.
- 4.1.4 **Reasonable adjustments** – The process by which action is taken to ensure as equal access as possible to all assessments for all learners, minimising the effect(s) of a disability or difficulty that would have otherwise caused the learner to have been at a disadvantage during the assessment.
- 4.1.5 **Failing to make reasonable adjustments** – Employers and service providers have a duty to make reasonable adjustments for disabled employees and service users to enable fair access. This duty is anticipatory and must be reviewed on a regular basis to ensure adjustments made are appropriate. Failing to do so is direct disability discrimination.
- 4.1.6 **Special considerations** – Potential adjustment made after the fact, the scale of which would be judged on a case-by-case basis, to ensure a learner has not been disadvantaged during the assessment process. This may be given to a learner who has suffered from a temporary injury or illness, or who has suffered from adverse circumstances at the time of the assessment.
- 4.1.7 **Direct discrimination** – Treating a person less favourably than another in comparable circumstances because of a protected characteristic. In the case of pregnancy and maternity direct discrimination, this can occur if a person has the protected characteristic without needing to compare treatment to someone else.
- 4.1.8 **Associative discrimination** – Direct discrimination against someone because they are associated with another person with a protected characteristic. (This includes carers of disabled people and elderly relatives, who can claim they were treated unfairly because of duties that they had to carry out at home relating to their care work. It also covers discrimination against someone because, for example, their partner is from another country). This does not apply to marriage and civil partnerships and pregnancy and maternity leave.
- 4.1.9 **Discrimination by perception** – Direct discrimination against someone because others think they have a protected characteristic, even if they don't.
- 4.1.10 **Indirect discrimination** – Putting in place a policy or practice that has a differential (positive or negative) impact on someone with a protected characteristic than someone without one, when this cannot be objectively and legitimately justified.
- 4.1.11 **Discrimination arising from disability** – Treating a disabled person unfavourably because of something connected with their disability when this cannot be objectively justified. For example, prohibiting an employee from taking time off or breaks for medical treatment.
- 4.1.12 **Harassment** – Unwanted conduct which has the purpose or effect of violating someone's dignity, or which is hostile, degrading, humiliating or offensive to someone with a protected characteristic or in a way that is sexual in nature. The Act also offers protection to people who do not have a "protected characteristic" but find behaviour offensive, even if not directed at them.
- 4.1.13 **Victimisation** – Treating someone unfavourably because they have taken (or might be taking) action under the Equality Act or supporting someone who is doing so.

5.0 Responsibilities

- 5.1 Everyone in the business has a responsibility to give full and active support for the Equality, Diversity and Reasonable Adjustments Policy by ensuring:
- 5.1.1 the policy is known, understood and implemented.
 - 5.1.2 their behaviour at all times takes into account the sensibilities of others.
 - 5.1.3 everyone is treated with respect and dignity.
 - 5.1.4 behaviour not in accordance with the Equality, Diversity and Reasonable Adjustments Policy is challenged and acted upon.
- 5.2 Within this general responsibility, there are some specific responsibilities:
- 5.2.1 The Senior Leadership Team for the effective implementation, embedding and championing of the Equality, Diversity and Reasonable Adjustments Policy, actions and strategies.
 - 5.2.2 The Designated Safeguarding Lead for the co-ordination of policy development; implementation; monitoring and review of progress.
- 5.3 Crosby designates the Designated Safeguarding Lead as having overall responsibility for equality, diversity and inclusion. **Craig McNaughton** currently holds this post and these responsibilities.

6.0 Key Principles and Commitments

- 6.1 Crosby strongly believes that the equality and diversity of the local communities in the UK is one of our greatest strengths and our most valuable asset. Crosby is fully committed to equality, diversity and inclusion, and believes that all individuals have an equal right to develop and achieve their full potential.
- 6.2 In accordance with the Equality Act 2010, the business supports the development of a society in which:
- 6.2.1 People's ability to achieve their potential is not limited by prejudice or discrimination
 - 6.2.2 There is respect for and protection of each individual's human rights
 - 6.2.3 There is respect for the dignity and worth of each individual
 - 6.2.4 Each individual has an equal opportunity to participate in society
 - 6.2.5 There is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights
- 6.3 Crosby believes that all forms of prejudice and discrimination are unacceptable. It recognises its obligations and responsibilities as an employer and as a provider of learning and qualifications. Crosby will seek to reflect its commitment to equality, diversity and inclusion in its dealings with members of the public, other agencies and suppliers of services and supplies.
- 6.4 Crosby will seek to challenge inequality, prejudice and discrimination whether direct, indirect, associative or by perception.
- 6.5 Crosby embraces diversity in all its aspects and aims to employ a diverse workforce.
- 6.6 Crosby will treat all members of its community with respect and dignity, and seek to provide a culture and environment free from discrimination, harassment and victimisation. It will not tolerate any form of prejudice or discriminatory behaviour against members of its community, from either inside or from out.

- 6.7 In seeking to achieve a balanced workforce at all levels, Crosby will ensure that no employee, job applicant or candidate for promotion will be disadvantaged, or treated less favourably because of conditions or requirements that are not related to the job. Reasonable adjustments will be made to arrangements and premises to ensure equal access for disabled persons.
- 6.8 In order to ensure that all persons are treated with equality and fairness at all stages of employment and enrolment and that their treatment is based solely on open, fair and objective criteria, Crosby will ensure that equality issues are embedded into all its policies and procedures.
- 6.9 Crosby is committed to the social model of disability in that we will recognise and remove the barriers that prevent or make it difficult for disabled people to use our services or to be employed by us. These barriers include those not just in the physical environment but the attitudes and behaviour of employees, learners, our policies, systems and processes that govern how we carry out our functions.
- 7.0 How the business will ensure that equality, diversity and inclusion is at the heart of all activity**
- 7.1 By requiring management to lead by example in treating all employees and learners with respect and being fair and reasonable.
- 7.2 By expecting all employees and learners to behave in a way that others will see is respectful and fair to them.
- 7.3 By continuing to review systems by which any behaviour that is intimidating, discriminatory or otherwise contrary to the Equality, Diversity and Reasonable Adjustments Policy can be dealt with rapidly and effectively, in an environment which positively supports those who challenge such behaviours.
- 8.0 Reasonable Adjustments**
- 8.1 A conversation will be had with all learners at induction, and they shall also be required to complete enrolment documentation that requests they disclose any pre-existing condition, to determine if any needs for reasonable adjustments are to be considered.
- 8.2 Any reasonable adjustments identified will be recorded and applied within the assessment methodologies and processes. This will be agreed with the IQA so that internal reasonable adjustments are taken into account. Any assessment variations outside of internal adjustments will be referred to Awarding Organisation arrangements as outlined in the AO's centre handbook.
- 8.3 Reasonable adjustments must not impact on the validity or reliability of the outcome of the assessment, or reduce the rigor involved in the assessment process, as this could result in the learner gaining an unfair advantage. Instead they must allow the learner the appropriate access to the assessment while also maintaining the assessment's integrity.
- 8.4 All reasonable adjustments should be used to maintain a consistency in the way in which the learner works rather than providing them with an artificial setting that may give them an advantage purely for the assessment.
- 8.5 Depending on the circumstances of the learner, reasonable adjustments that may be deemed suitable include:
- 8.5.1 allowing the learner extra time to complete the assessment.

- 8.5.2 adapting the assessment materials and/or location to make them accessible for the learner.
- 8.5.3 providing the learner with additional resources or facilitators to ensure they are able to interact fully with the assessment process.

9.0 Special Considerations

- 9.1 Each request for special consideration will be dealt with on its individual merits. Claims for special considerations will be applied in line with Awarding Organisation arrangements set out in the AO's centre handbook. Advice will be sought from the Awarding Organisation in respect of individual special consideration cases.
- 9.2 Special consideration requests will not be made on the sole basis of disability or learning difficulty. These circumstances should be raised earlier in the apprenticeship/course and reasonable adjustment(s) sought after.

10.0 Equality, Diversity and Inclusion Data Review

- 10.1 The Designated Safeguarding Lead, supported by the Central Support Team, will monitor and evaluate achievement in respect of equality and diversity by taking the following actions:
 - 10.1.1 gathering statistical data in relation to employees and learners, analysing the statistics, identify any issues arising and working with individuals and/or groups to make proposals for specific actions to address inequalities identified.
 - 10.1.2 obtaining feedback from employees and learners through questioning, meetings, analysis of complaints and correspondence.
 - 10.1.3 ensuring marketing, recruitment, selection and enrolment procedures and training conform to equality, diversity and inclusion commitments and requirements.
 - 10.1.4 ensuring learning and assessment takes account of equality issues in terms of access, content and delivery.

11.0 Equality, Diversity, Inclusion and Fundamental British Values Training

- 11.1 Crosby will provide, and assess the impact of, a range of equality, diversity, inclusion and Fundamental British Values training packages for our learners and employees, and mandatory training for staff at induction, and as part of on-going training. All managers will receive training on advancing and managing equality, diversity, inclusion and Fundamental British Values. Bullying and harassment training will also be delivered on an on-going programme. We will continue to raise awareness of equality issues through training and individual development e.g. the training and assessor observation process and appraisal.

12.0 Monitoring and Evaluation

- 12.1 Crosby will monitor aspects of staffing and is committed to the collection of statistics, analysis of data and presentation of data. This will include composition of the existing workforce and the recruitment process, looking at the workforce with reference to age, ethnicity, disability and gender, sexuality and belief in particular.
- 12.2 Crosby will also categorise employees according to grade; contract type, i.e. whether full-time or part-time, permanent or temporary; age; length of time in post; place of work, salary etc. Records will also be kept of training, appraisals, promotions and contracts/conditions.

12.3 After the employment relationship has ended, Crosby may retain statistics; data about the composition of the workforce, including appraisal and promotion records on an anonymous basis for the purpose of carrying out equal opportunities monitoring, and may also look at reasons for resignation and resignation rates.

13.0 Positive Action

13.1 Crosby undertakes to follow positive action measures allowed by law to rectify disadvantages in employment and training revealed by monitoring.

13.2 Positive action allows Crosby to:

13.2.1 provide facilities or services (in the form of training, education, or welfare etc.) to meet the special needs of people from particular under-represented groups.

13.2.2 target job training and/or educational opportunities at particular groups that are under-represented in a particular area of work/study and encourage applications from such groups.

13.3 Positive action strategies are intended to be temporary measures only. They are under regular review, and they cannot be used once the special needs have been met, or if under-representation no longer exists.

13.4 This policy will be reviewed on a regular basis in accordance with legislative developments and the need for good practice.

14.0 Procurement and Partnerships

14.1 Crosby acknowledges that our 'general' duty to promote for example: disability, race and gender equality extends into those situations where any of our training or services are contracted, or sub-contracted, to other companies, organisations, groups or individuals, as well as direct works such as building works and repairs.

14.2 Crosby will continue to impact assess our procurement, tendering and contract management processes as an early measure to ensure that meeting the equality duty is built into the procurement process. This will ensure that services are provided in ways which promote equality, diversity and inclusion and eliminate discrimination and harassment. We will monitor any outsourced service providers to ensure they are fully aware of this policy and comply with our organisational requirements when acting on our behalf.

14.3 In addition to the above, Crosby recognises that if there is partnership working with other organisations, our responsibility to promote equality, diversity and inclusion in our work continues to apply.

14.4 Crosby will ensure that all our partners support us in meeting the 'General' and, where relevant, the 'Specific' elements of the equality duty, as appropriate to the precise form of partnership. We will also ensure that our partners receive a copy of this Equality, Diversity and Reasonable Adjustments Policy and that it is considered at an early stage in our entering into partnership agreements.

15.0 Breaches of Policy and Complaints

15.1 Proven acts of discrimination, harassment, abuse or victimisation will be treated as a serious disciplinary offence. Employees and learners who feel they are being discriminated against should seek resolution

through the complaints procedure if unable to resolve through informal means. Disciplinary action could include dismissal in the case of employees and learners.

- 15.2 Employees or learners who feel that they have experienced discrimination from third party members will receive support from the business and we will take appropriate action where discrimination has been found.
- 15.3 Prospective employees and learners who are dissatisfied with any aspect of the recruitment and selection procedure should write giving details to the Central Support Team. All complaints will be investigated, and the complainant informed of any action taken.
- 15.4 No employee or learner shall be victimised because of giving information about any act by a person who contravenes this Policy. Persons making allegations, which are proved to be false, will be dealt with in accordance with grievance, harassment and disciplinary procedures, as will any person who bullies or harasses another person who they believe has made an accusation against them, whether it be proved or not. All employees and learners will be able to report matters detailed in the Public Interest Disclosure Act 1998 without fear.
- 15.5 Employees and learners who wish to make a formal complaint can find details in the complaints policy.



Paul Cadman, Chief Executive